

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 255

December 14, 1978

EMERGENCY ORDER

Whereas, Paragraph 3104.312 of the Zoning Regulations concerning halfway houses or social service centers permits such uses with no limit on the number of residents as a matter-of-right in the R-4 and R-5 Districts if the building is "operated by an agency of the District of Federal Government or by an organization under contract to such agency and supervised by that agency;" and

Whereas, Paragraph 3104.47 permits halfway houses and social service centers with no limit on the number of residents as a special exception requiring the approval of the Board of Zoning Adjustment in the R-4 and R-5 Districts if the facility is "not operated by an agency of the District or Federal Government or an organization under contract to such agency and supervised by that agency;" and

Whereas, the Zoning, in Case No. 78-12, has proposed to amend the Zoning Regulations concerning the location of personal care homes, convalescent and nursing homes, halfway houses and other community based residential facilities; and

Whereas, on November 27, 1978, the Zoning Commission conducted one public hearing on the matter and continued that hearing until February 15, 1979 to hear more public comment; and

Whereas, the Regulations under consideration would limit halfway houses to no more than sixteen persons as a matter-of-right in the R-4 and R-5 Districts and would

require a separation of halfway houses from each other, and such regulations would permit halfway houses with sixteen to thirty residents in the R-4 District and more than sixteen residents in the R-5 District only with the approval of the Board of Zoning Adjustment as a special exception, including a requirement for separation from each other; and

Whereas, the Zoning Commission is in receipt of a letter dated December 14, 1978 from Norman Neverson indicating that a halfway house to accommodate ninety persons is proposed to be located in an R-5 District across from a high school in an area which already has a high concentration of community based residential facilities; and

Whereas, the Zoning Commission believes such a facility may have an adverse effect on the neighborhood within which it is located because of the size of the facility; and

Whereas, the Zoning Commission believes that there may be proposals for other such facilities which are in accordance with the present Regulations but which do not conform to the Regulations the Commission is in the process of considering; and

Whereas, the Zoning Commission believes that the continued location of such large facilities without proper review may be harmful to the general welfare of the District of Columbia, and may effectively negate part of the impact of the text changes now pending, and preclude the Commission from fully considering and implementing the proposed changes; and

Whereas, Section 1 of the Zoning Act (Act of June 20, 1938, 52 Stat. 797, also cited as Section 5-413 of the D.C. Code) establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia," and

Whereas, Section 1-1505 of the District of Columbia Code authorizes the Zoning Commission to take emergency action for a period not to exceed 120 days "for the immediate preservation of the public peace, health, safety, welfare, or morals,"

Now Therefore, the Zoning Commission resolves that an emergency exists, and that it is necessary to take action to protect the integrity of the proposed changes pending before the Commission and prevent adverse effects from occurring in R-4 and R-5 neighborhoods. It is therefore ordered that the Zoning Regulations are hereby amended as follows:

1. Delete existing Paragraph 3104.312, regarding halfway houses as a matter-of-right in R-4 and R-5 Districts, and replace it with the following:

3104.312 Halfway house or social service center provided that there are no more than eight persons in residence not including supervisors, caretakers or similar attendants, and further provided that there is no other halfway house or social service center within 600 feet of this proposed location.

2. Delete existing Paragraph 3104.47, regarding halfway houses as special exceptions in R-4 and R-5 Districts, and replace it with the following:

3104.47 Halfway house or social service center provided that;

3104.471 There shall be no more than thirty persons in residence not including supervisors, caretakers or similar attendants.

3104.472 There is no other halfway house or social service center within 600 feet of this proposed location.

3104.473 The proposed use will not have an adverse effect on neighboring properties because of noise, traffic or other objectionable conditions.

This order shall take effect immediately, and may be in effect for no longer than 120 days.

BY ORDER OF THE DISTRICT OF COLUMBIA ZONING COMMISSION



STEVEN E. SHER

Executive Director

This order was adopted by the Zoning Commission at its public meeting held on December 14, 1978 by a vote of 3-0 (Walter B. Lewis, Ruby B. McZier and Theodore F. Mariani to adopt, John G. Parsons not voting, George M. White not present, not voting).